

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND**

JOHN A. MCDONOUGH JR.

Plaintiff

V.

**DEUTSCHE BANK NATIONAL TRUST)
COMPANY as TRUSTEE, FOR)
REGISTERED HOLDERS OF)
AMERIQUEST MORTGAGE)
SECURITIES INC., ASSET-BACKED)
PASS-THROUGH CERTIFICATES,)
SERIES 2004-R11))**

Defendant

BK: 10-10228

Chapter 13

A.P.

**COMPLAINT FOR DECLARATORY RELIEF TO DETERMINE EXTENT AND
VALIDITY OF AN ALLEGED MORTGAGE LIEN**

1. The Plaintiff resides in and owns the property located 26-28 Arnold Street Lincoln, Rhode Island. He filed a Chapter 13 bankruptcy petition on January 21, 2010. The Plaintiff filed his Chapter 13 case to stop a scheduled foreclosure on his residence that was instituted by the Defendant herein.

2. The Defendant Deutsche Bank National Trust Company as Trustee for Registered Holders of Ameriquest Mortgage Securities Inc. (hereinafter “ Deutsche Bank”) has filed an appearance in the Plaintiff’s underlying bankruptcy case and has asserted that it is a secured mortgage holder of the Arnold Street property referenced above.

3. Deutsche Bank asserts that it is a holder in due course of certain loan documents involving the Plaintiff's Arnold Street residence.

4. Deutsche Bank is not a holder in due course of any documents relating to Plaintiff's Arnold Street residence.

5. Deutsche Bank has no standing to foreclose upon the Arnold Street property referenced above.

6. Deutsche Bank together with its predecessors, successors, affiliates, principals and or assigns do not have a present valid perfected mortgage secured by Plaintiff's Arnold Street residence.

7. Any present and or outstanding notes and or mortgages involving the Arnold Street property referenced above have been fully satisfied and or discharged.

8. The Plaintiff owns the Arnold Street property free and clear of any mortgage(s).

WHEREFORE, Plaintiff prays that this Court enter an Order declaring the aforementioned Arnold Street property is presently free and clear of any mortgage or other liens asserted by Deutsche Bank and or its predecessors, successors, affiliates, principals and or assigns and void any such mortgages which are presently clouding the title of said property and grant Plaintiff all other relief deemed just and proper and necessary to effectuate the relief requested herein.

JOHN A. MCDONOUGH JR.

By his attorney,

Date: May 20, 2010

/s/Christopher M. Lefebvre, Esq.
Attorney for Plaintiff/Debtor (#4019)
2 Dexter St., Box 479
Pawtucket, RI 02862
(401)-728-6060
(401)-728-6534 FAX
Chris@lefebvrellaw.com